



KW/DTT

S1202

May 24, 2010

Mr. Darren Tran  
Water Resources Control Engineer  
State Water Resources Control Board  
Division of Water Rights  
Permitting Section  
1001 I Street  
Sacramento CA, 95814

2010 MAY 27 AM 11:05

Subject: Initial Study/Mitigated Negative Declaration (IS/MND) for a Master Agreement for Timber Operations (MATO) and a Road Management Waste Discharge Requirement (RMWDR) for Green Diamond Resource Company (Green Diamond); State Clearinghouse # 2010042020

Dear Mr. Tran:

The Department of Fish and Game (Department) has received your May 6, 2010, letter with comments on the subject IS/MND. We appreciate the time and effort you took to review the document and provide written comments.

In your letter, the Division of Water Rights (Division) staff noted the IS/MND indicates the MATO includes water diversion activities although the IS/MND did not describe on what bases would Green Diamond divert water or whether a water right would be required.

Based on the Department's discussion with Green Diamond, its uses of water as described in the IS/MND would be pursuant to valid "riparian rights". Green Diamond stated it is the successor in interest to Simpson Timber Company, which filed statements of use for riparian water diversions exercised on what are now Green Diamond timberlands. Green Diamond also stated it updates and supplements these statements consistent with its beneficial use of water and as required by law.

By copy of this letter with yours attached, the Department is forwarding to Green Diamond the information you provided of Green Diamond's obligation to file water right applications with the Division in the event they wish to appropriate water, their obligation to file a Statement of Water Diversion and Use (Statement), and information on where they can find additional information on water right permits and Statements.

*Conserving California's Wildlife Since 1870*



**Linda S. Adams**  
Secretary for  
Environmental Protection

State Water Resources Control Board


**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights)



**Arnold Schwarzenegger**  
Governor

## MEMORANDUM

**TO:** California Department of Fish and Game  
c/o William Condon  
Northern Region  
619 Second Street  
Eureka, CA 95501

**FROM:**   
Darren Tran  
Water Resources Control Engineer  
Permitting Section  
**DIVISION OF WATER RIGHTS**

**DATE:** MAY 11 6 2010

**SUBJECT:** COMMENTS ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
FOR MASTER AGREEMENT FOR TIMBER OPERATIONS AND ROAD  
MANAGEMENT WASTE DISCHARGE REQUIREMENTS FOR GREEN  
DIAMOND RESOURCE COMPANY'S NORTHERN CALIFORNIA  
TIMBERLANDS, STATE CLEARINGHOUSE # 2010042020

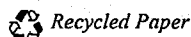
The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) staff appreciates the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for Master Agreement for Timber Operations and Road Management Waste Discharge Requirements for Green Diamond Resource Company's Northern California Timberlands (Project). Division staff offers the following comments.

Appendix A of the IS/MND indicates that the Master Agreement for Timber Operations includes a framework for water diverted from streams into pump trucks for the purposes of dust abatement, road maintenance, upgrading, decommissioning and construction or reconstruction, prescribed fuel reduction burning, and herbicide mixing. The IS/MND did not provide sufficient information describing the water drafting and use to identify whether a water right is required for all or a portion of the water diversion associated with the project.

If the project requires a water right permit, the project proponent must file a water right application to appropriate water with the Division, and obtain an approval for the project, before any construction of diversion facilities is commenced or diversion of water is made. In addition, the Division may be a Responsible Agency and must review and consider the final environmental document to support our permitting process. Additional information on water right permits and the permitting process are located on the Division's website at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/)

*California Environmental Protection Agency*



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\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

STATEMENT NO: S001202  
OWNER OF RECORD: SIMPSON TIMBER COMPANY

SIMPSON TIMBER COMPANY

PO BOX ~~1169~~ 68

ARCATA, CA ~~95521-1169~~

KORBEL

95550

STATE WATER RESOURCES  
CONTROL BOARD  
DIV. OF WATER RIGHTS  
SACRAMENTO  
1995 APR - 7 AM 3:44

SOURCE: UNST  
TRIBUTARY TO: TECTAH CREEK  
COUNTY: HUMBOLDT  
DIVERSION

WITHIN: SE¼ OF NW¼ SECTION 21, T10N, R2E, MDB&H.

TELEPHONE NUMBER:

(707) ~~822-0371~~ 668-4400

YEAR OF FIRST USE: 1966

PARCEL NO: 532-114-01

(If any of the above information is inaccurate or missing, please correct. Notify this office if ownership or address changes occur during the coming year.)

COMPLETE AND RETURN THIS FORM BY JULY 1, 1995.

A. Water is used under: Riparian claim ☒; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_

B. Year of first use (Please provide if missing above) \_\_\_\_\_.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1992					No	Use							
1993					No	Use							
1994					No	Use							

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_

Other (specify) None

\*\*\* CONTINUE ON BACK PAGE \*\*\*

\*\*\* PLEASE COMPLETE, SUBMIT THE ORIGINAL AND MAKE A COPY FOR YOUR RECORDS \*\*\*

- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

- F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 4/4, 19 95, at Korbel, California

SIGNATURE: T.W. Schuette

PRINTED NAME: T. (FIRST NAME) W. (M. NAME) Schuette (LAST NAME)

COMPANY NAME: Simpson Timber Company

#### GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriate right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  
P.O. Box 2000  
Sacramento, CA 95812-2000

STATEMENT OF WATER DIVERSION AND USE  
INFORMATION SHEET

STATEMENT NO. 5001202

DIVERSION SITE:

OWNER'S NAME SIMPSON TIMBER COMPANY

PARCEL NO. 532-114-01

PLACE OF USE:

OWNER'S NAME SAME

1. PARCEL NO. SAME

2. PARCEL NO. AREA

3. PARCEL NO. AREA

PERSON OR FIRM TO RECEIVE ALL CORRESPONDENCE AND SUPPLEMENTAL  
STATEMENTS:

OWNER/LESSEE/AGENT/OTHER SIMPSON TIMBER COMPANY

NAME T. W. SCHUETTE

MAILING ADDRESS P.O. Box 68  
KORBEL CA 95550

TELEPHONE NO. (707) 668 - 4424

OTHERS USING ABOVE DIVERSION LOCATION:

1. NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

TELEPHONE NO. ( ) -

2. NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

TELEPHONE NO. ( ) -

☐ ADDITIONAL INFORMATION CONTINUED ON BACK OF PAGE OR ATTACHED

PLEASE USE THE OTHER SIDE TO PROVIDE THE ABOVE INFORMATION FOR  
ADDITIONAL OWNERS OR PLACES OF USE AND CHECK THE ADDITIONAL  
INFORMATION BOX.

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 001202

SIMPSON TIMBER COMPANY  
PO BOX 1159  
ARCATA CA 95521-1169

TELEPHONE NUMBER:  
(707) 822-0371

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED STREAM

TRIBUTARY TO: TECTAH CREEK

COUNTY: HUMBOLDT

YEAR OF FIRST USE: 1966

DIVERSION

WITHIN: SE1/4 OF NW1/4 SECTION 21, T10N, R02E, H 3&M.

COMPLETE AND RETURN THIS FORM BY JULY 1, 1994.

A. Water is used under: Riparian claim ☒; Pre 1914 right \_\_\_\_\_; Other (explain) \_\_\_\_\_

B. Year of first use (Please provide if missing above) \_\_\_\_\_.

C. Amount of Use - Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are: ☐ Gallons ☐ Acre-feet ☐ (other) \_\_\_\_\_

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	TOTAL ANNUAL
1991						No	Use						
1992						No	Use						
1993						No	Use						

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation \_\_\_\_\_ acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_  
Other (specify) none

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

none

F. If part of the water listed in Part C consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3/10, 19 94, at Arcata, California

Signature: T W McNett

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000  
901 P ST. SACRAMENTO, CA 95814  
(916) 322-4503

(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

SIMPSON TIMBER COMPANY  
P.O. Box 1169  
ARCATA, CA 95521

STATEMENT NO: 001202  
TELEPHONE NUMBER:  
(707) 822-0371

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: UNNAMED STREAM

TRIBUTARY TO: TECTAH CREEK

COUNTY: HUMBOLDT

DIVERSION

WITHIN: SE1/4 OF NW1/4 SECTION 21, T10N, R02E, H B&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1991. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☐ Acre-feet ☐ \_\_\_\_\_ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1988					X	X	X	X	X	X			
1989					X	X	X	X	X	X			
1990					X	X	X	X	X	X			

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation \_\_\_\_\_

Stockwatering \_\_\_\_\_

Domestic \_\_\_\_\_

Other (specify) Fire suppression, road maintenance

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

N/A

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3/15, 19 91, at Arcata, California

Signature: T. W. Schmitts

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

51302

STATEMENT OF WATER DIVERSION AND USE

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water Simpson Timber Company  
Address P. O. Drawer "V", Arcata, California 95521

B. Name of body of water at point of diversion Unclassified Stream  
Tributary to Tectah Creek tributary to Klamath River thence Pacific Ocean

C. Place of diversion SE 1/4 NW 1/4 Section 21, Township 10N, Range 2E, H 22M, Humboldt  
County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works Water Tank

E. Capacity of diversion works 35 gpm  
Capacity of storage reservoir 8,000  
State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
:	:	:	:	:	X	X	X	X	X	X	:	:	:

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc. 725 miles of road watered per year

Maximum annual water use in recent years 625,000  
Minimum annual water use in recent years 625,000  
Type of diversion facility: gravity X, pump \_\_\_\_\_  
Method of measurement: weir \_\_\_\_\_, flume \_\_\_\_\_, electric power meter \_\_\_\_\_, water meter \_\_\_\_\_, estimate X

F. Purpose of use (what water is being used for) Fire protection and suppression use and road maintenance

G. General description or location of place of use (use sketch of section grid on reverse side if you desire) See section grid.

H. Year of first use as nearly as known 1966

I. Name of person filing statement H. K. Trobitz  
Position Manager, California Timberlands Division Organization Simpson Timber Company  
Address P. O. Drawer "V", Arcata, Calif. 95521

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Date signed 6/23/67

Signature H. K. Trobitz

See Instructions on Reverse Side